

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BOBBY E. BURTON, JR.,

Petitioner,

vs.

SHANAWAR ALAM, *et al.*,

Respondents.

Case No. 3:15-cv-00274-LRH-WGC

ORDER


This action is a *pro se* petition for a writ of habeas corpus filed by a Texas state prisoner.

“Federal courts have authority to grant writs of habeas corpus ‘within their respective jurisdictions.’” *Malone v. Calderon*, 165 F.3d 1234, 1237 (9th Cir. 1999) (quoting 28 U.S.C. § 2241). Where the petitioner names a custodial respondent who is outside of the district court’s territorial limits, the court lacks personal jurisdiction to consider the petition. *See Malone*, 165 F.3d at 1237. If the petitioner files a habeas petition with a district court that lacks jurisdiction, that court should transfer the petition to a court with jurisdiction “if it is in the interest of justice.” 28 U.S.C. § 1631; *see Hernandez v. Campbell*, 204 F.3d 861, 865 n.6 (9th Cir. 2000) (per curium); *see also Miller v. Hambrick*, 905 F.2d 259, 262 (9th Cir. 1990). In this case, petitioner is incarcerated at the Alfred D. Hughes Unit of the Texas Department of Corrections, located in Gatesville, Texas. Petitioner names the warden of the Alfred D. Hughes Unit as the respondent in this action. The United States District Court for the Western District of Texas, Waco Division, has proper jurisdiction over this action. In the interest of justice, this action is transferred to that district.

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1 **IT IS THEREFORE ORDERED** that this action is **TRANSFERRED** to the United States
2 District Court for the Western District of Texas, Waco Division. The Clerk of Court **SHALL**
3 **TRANSMIT** this order and all documents submitted in this action to the United States District
4 Court for the Western District of Texas, Waco Division, 800 Franklin Ave., Room 380, Waco,
5 Texas 76701.

6 DATED this 2nd day of June, 2015.

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9 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE